

AARON D. FORD
Attorney General
D. Randall Gilmer, Bar No. 14001
Chief Deputy Attorney General
Douglas R. Rands, Bar No. 3572
Senior Deputy Attorney General
Office of the Attorney General
100 N. Carson Street
Carson City, NV 89701
(775) 684-1150
(775) 684-1108 (fax)
drands@ag.nv.gov
drgilmer@ag.nv.gov

*Attorneys for the
Nevada Department of Corrections*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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IN RE: HCV PRISON LITIGATION

Case No: 3:19-cv-00577-MMD-CLB

**STATUS REPORT AFTER STATUS
HEARING (ECF NO. 91)**

Pursuant to this Court's Order (ECF No. 91), Defendants submit this Status Report ("Report") as part of the Court's ongoing monitoring obligations. This Report addresses two specific concerns raised by the Court: (1) additional information to be provided to inmates within the NDOC concerning HCV testing and (2) verification of the number of inmates that are HCV positive in light of the initial numbers reported early in the litigation.

At this point, the Defendants have not yet determined whether it would be feasible to add programing to the television system on Hepatitis. However, Counsel agrees and confirms that they will continue to investigate this possibility.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATUS REPORT

The Defendants have obtained the most recent HCV literature promulgated by the CDC regarding HCV testing. These two documents are attached as Exhibit A to this report. The Defendants will begin circulating these handouts as part of further HCV outreach in furtherance of the spirit of the HCV Consent Agreement. (ECF No. 80). *See* Exhibit B (Declaration of Dr. Minev who is the Medical Director for the NDOC wherein he declares he has instructed his staff to circulate the aforementioned CDC handouts). These handouts are also included in the intake materials provided to the inmates and testing is now a part of the intake protocol.

Additionally, Defendants have researched the reason for the discrepancy between the initial positive HCV cases and the current working number of positive HCV inmates. In essence, the early number reported to Plaintiff's counsel was based upon an initial screening test for HCV within the inmate population. That positive number was based upon those that were tested and had an HCV positive antibody test. However, those with antibodies are not necessarily HCV positive. Instead, a positive antibody test indicates that a further laboratory confirmation test is necessary.

In examining the data, it was determined that there are currently 1414 inmates with HCV positive antibodies, but only 745 of them have a viral load. The Defendants cannot say for certain that this was the cause of the discrepancy when the numbers were first reported in March of 2020 because of staff changes. But, the current point of contact for HCV monitoring believes that this explains the discrepancy. Attached as Exhibit C is a CDC handout explaining that not all HCV antibody positive test results require treatment.

Attached as Exhibit D (under seal) is a excel sheet showing inmate HCV testing as of September 30, 2021. As the Court can see there are multiple inmates on the HCV positive tab who have no viral loads. There may be an Ab >11.0 but under Hepatitis C Quantitation it says HCVTND (which would be Labcorp's shorthand of HCV not detected). Several examples are attached as Exhibit E (under seal). Additionally, if the number is less than 1.0 in column G, of Exhibit D, there would be no HCV detected, and further testing would not be required or useful.

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION	NUMBER OF PAGES
A	CDC HCV Handouts	5
B	Declaration of Dr. Minev	3
C	CDC Handout RE: HCV Antibodies	3
D	NVDOC HCV Nov 2019 – Sep 2020 - <i>filed under seal</i>	21
E	Testing Exemplars – <i>filed under seal</i>	11

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 28th day of June, 2021, I caused to be served, a true and correct copy of the foregoing, **STATUS REPORT AFTER STATUS HEARING (ECF NO. 91)**, by U.S. District Court CM/ECF Electronic Filing on the following:

Adam Hosmer-Henner, Esq.
Philip Mannelly, Esq.
Chelsea Latino, Esq.
McDONALD CARANO LLP
100 W. Liberty Street, Tenth Floor
Reno, NV 89501
ahosmerhenner@mcdonaldcarano.com
pmannelly@mcdonaldcarano.com
clatino@mcdonaldcarano.com

Margaret A. McLetchie, Esq.
Alina Shell, Esq.
MCLETSCHIE LAW
701 E. Bridger Ave., Suite 520
Las Vegas, NV 89101
maggie@nvlitigation.com
alina@nvlitigation.com

Attorneys for Plaintiff

/s/ Roberta W. Bibee
An employee of the
Office of the Attorney General